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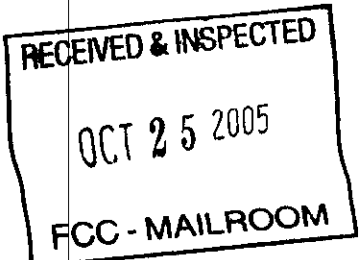
LORING
CONSULTING ENGINEERS

NEW YORK, NY WASHINGTON, DC PRINCETON, NJ

21 Pennsylvania Plaza, New York, NY 10001-2727

P 212 563.7400

F 212 563.7382



Transmittal

To: Federal Communications Commission – Office of the Secretary

24 October 2005

Address: 9300 East Hampton Drive

Subject: PS 30 Elizabeth New
Jersey
Letter of Appeal to SLD
Decision

Capitol Heights, MD 20743

Loring No: 6105.100

Tel No: (202) 418-0300

From: Seth Levine

cc: BLM, DM, A. Adornato (USA Architects), FILE

Items Forwarded

Sent Via

Correspondence ☒

Overnight by 10am ☒

Shop Drawings ☐

by 2pm ☐

Originals/Vellums ☐

2-Day ☐

Prints ☐

Post Office ☐

Digital Media ☐

LORING Messenger ☐

Under Separate Cover ☐

Other ☐

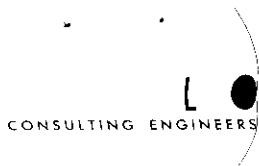
Quantity	Date	Description
1	10/24/05	Letter of appeal of SLD Administrator's Decision on Appeal

No. of Copies rec'd
List A B C D E

Signature of sender:

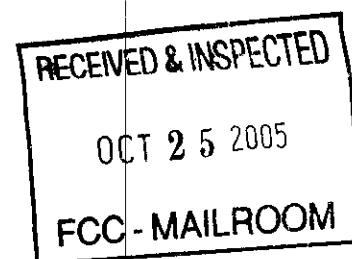
Joseph R. Loring & Associates, Inc.

6105.100 sel FCC Appeal TRANS alt.doc



LORING

NEW YORK, NY WASHINGTON, DC PRINCETON, NJ



October 24, 2005

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

Re: Request for Review of SLD Administrator's Decision on Appeal
Applicant Name: Public School #30 New Construction
Billed Entity Number: 15149138
Form 471 Application Number: 419823
Funding Request Number: 1158773
CC Docket No 02-6
LORING No. 6105.100

To Whom It May Concern:

Please review the Schools and Library Division (SLD) decision on appeal. I believe it was denied in error.

The SLD Administrator's Decision on Appeal letter, dated September 21, 2005, states:

"Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued ... FCC rules do not permit the Schools and Library Division (SLD) to consider your appeal."

The appeal was, however, well within the guidelines of the Universal Service Administrative Company. The SLD decision is based on the date of the original Funding Commitment Decision Letter (FCDL), dated May 10, 2005. This original FCDL was not, however, delivered. This was acknowledged in the enclosed SLD RFCDL Re-mail Advisory Cover Sheet. This letter, dated June 1, 2005, states "The [original FCDL] letter was deemed 'un-deliverable' by the U.S. Post Office and returned to SLD's Client Operations Department. It is important to note that the date of the original FCDL has been modified ... to accommodate the delivery delay."

Based on this letter, the new FCDL Date was June 1, 2005. The letter of appeal to the SLD was recorded by SLD as postmarked July 19, 2005. It included the RFCDL Re-mail Advisory as requested. Therefore, the letter was postmarked less than 60 days after the date of the Funding Commitment Decision Letter and should be considered for appeal.

21 Pennsylvania Plaza
New York, New York
10001-2727
P 212 563.7400
F 212 563.7382
E info@loringengineers.com
www.loringengineers.com

No. of Copies rec'd 0
List A B C D E

Joseph R. Loring &
Associates, Inc.

6105-100 10/24-05 sel FCC Appeal 2

To summarize the details:

Applicant Name:	Public School #30 New Construction
Billed Entity Number:	15149138
Form 471 Application Number:	419823
Funding Request Number	1158773
Funding Year:	2004-2005
Original FCDL Date:	May 10, 2005
New FCDL Date per RFCDL Re-mail Advisory:	June 1, 2005
Letter of Appeal Date:	July 19, 2005
Person to contact to discuss this appeal:	Seth Levine Joseph R. Loring & Assoc. 21 Pennsylvania Plaza, 14 th Floor New York, NY 10001 Telephone: (646) 674-6116 Fax: (212) 563-7382 E-mail: slevine@loringengineers.com

Copies of the SLD RFCDL Re-mail Advisory Cover Sheet, the letter of appeal sent to SLD, and the SLD Administrator's Decision on Appeal are enclosed.

We request that the SLD be directed to review the appeal based on the merits. Thank you for your cooperation in looking into this matter.

Very truly yours,

Joseph R. Loring & Associates, Inc.


Seth E. Levine, RCDD
Vice President - Telecommunications

cc: Barry Maltz LORING
Deepa Mehrotra LORING
Andrew Adornato USA Architects

SCHOOLS AND LIBRARIES DIVISION

RCDL Re-Mail Advisory Cover Sheet

To: Seth Levine
Public School #30 New Construction
21 Penn Plaza
New York, NY 10001

Date: June 1, 2005

Important Notice

Enclosed you will find your Funding Commitment Decision Letter (FCDL). The letter was deemed 'un-deliverable' by the U.S. Post Office and returned to SLD's Client Operations Department. It is important to note that the date of the original FCDL has been modified by SLD's Client Operations Department to accommodate the delivery delay. A new 'FCDL Date' and the signature of the Client Operations Representative have been added to the original letter.

This advisory is especially important if you are considering filing an appeal. Appeals of funding commitments must be filed within 60 days of the date on the Funding Commitment Decision Letter. In this case, the new FCDL date. In the event that you do submit an appeal it would be advisable to enclose a copy of your FCDL and this FCDL Re-Mail Advisory Cover Sheet with your appeal correspondence. See the "Appeals Procedure" in the Reference Area of the SLD web site <www.sl.universalservice.org> for more information on appeal deadlines and how to file your appeal.

Further, be advised that all terms and conditions imposed by the Schools and Libraries Program on applicants or service providers that are dependent on the FCDL date (in this situation, the new FCDL date) will apply.

Schools and Libraries Division

Re: Form 471 Application #419823
Letter Type:

SPIN:

Funding Commitment Decision Letter (FCDL) – Applicant _____X_____

Funding Commitment Decision Letter (FCDL) – Service Provider _____

6105100

To: Melissa Medley

Subject: FUNDING COMMITMENT DECISION LETTER APPEAL

(6105-100)

19 July, 2005

FCDL Appeal
Schools and Libraries Division
Melissa Medley
Schools & Libraries Division
Client Operations Department

Re: Public School # 30 New Construction
(LORING No. 6105.100)

Dear Ms. Medley:

This is a request for appeal of the denial of the FCDL based on the shared discount cutoff

RECEIVED / LORING		
JUL 20 2005		
ROUTE TO	INITIAL	DATE
SEL	SK	
MDR		
BLM		
JRL		

6105-100

Funding Year - July 1, 2004 through June 30, 2005.

- Contact Person name: Seth E. Levine
- Contact Information slevine@loringengineers.com
- Form 471 Application Number #419823
- Funding Request Number (FRN) 1158773
- Service Provider Name Emerald Technologies, LLC
- Service Provider Identification Number (SPIN) 143027396

We are requesting approval of the funding request. We wish to appeal the denial of this funding request for the following reason:

1. This is a new school. The method of determining the discount did not originally include the weighted product for calculating shared discount. The discount (as per the attached data) should be 84%, which is above the cutoff of 81%.
 2. The extension of the date for appeal is requested, since we received the denial letter via email on 1 June, 2005, not on 10 May, 2005 as stated in the letter.
- We are providing documentation in the attached table to satisfy criterion described above.

Very truly yours,

Seth E. Levine, RCDD
Joseph R. Loring & Associates, Inc.
21 Penn Plaza, 14th floor
New York, NY 10001-2727
212 563-7400 (main)

cc: Andy Adornato, USA Architects, BLM, file
att: NJDOE School Annual Fall Survey Data for the 2003-2004 School Year (NSLP Data)
FCDL and this FCDL Re-Mail Advisory Cover Sheet

Seth E. Levine, RCDD
Joseph R. Loring & Associates, Inc.
21 Penn Plaza, 14th floor
New York, NY 10001-2727
212 563-7400 (main)

212 563-7382 (fax)

646 674-6116 (direct line)

SLevine@LoringEngineers.com

CC: Andrew Adornato

IMPORTANT REMINDERS & DEADLINES

Date: May 10, 2005
471 : 419823
BEN : 15149138

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, that plan must be approved by the start of service for this funding year, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain your approval letter and documentation of your monitoring of the progress toward your stated goals.

CHILDREN'S INTERNET PROTECTION ACT (CIPA) - You must be in compliance with CIPA and cannot request a waiver, if FY2004 is your Third Funding Year for the purposes of CIPA.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FOC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

RETAIN DOCUMENTATION - Applicants must retain documentation, including but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
- products and/or services delivered (e.g., customer bills detailing make, model and serial number),
- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
- the specific location of each item of E-rate funded equipment, and
- the applicant has paid the non-discount portion.

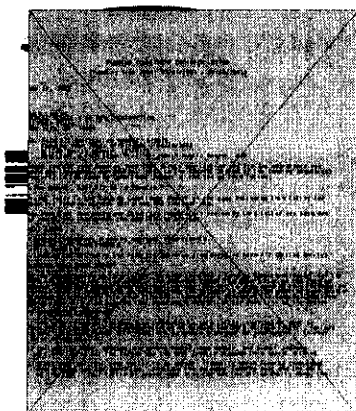
These documents must be retained and available for review for 5 years.

SUSPENSION AND DEBARMENT - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Support Mechanism are subject to suspension and debarment from the program.

FREE SERVICES ADVISORY - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information - including more information on these reminders - is posted to the Schools and Libraries Division (SLD) web site at www.sl.universal-service.org. You may also contact the SLD Client Service Bureau by e-mail using the "Submit a Question" link on the SLD web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

DUPLICATE LETTER



Universal Service Administrative Company
Schools & Libraries Division



Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to: FCC, Office of the Secretary, 445 12th Street SW Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by the SLD.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual funding requests submitted on a Form 471.

FUNDING STATUS: Each FRN will have one of the following definitions:

1. An FRN that is "Funded" is approved at the level that the SLD determined is appropriate for this FRN. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connections requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on your Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The date services were reported to start for this FRN on your Form 471.

CONTRACT EXPIRATION DATE: The date the contract expires. This will be present only if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a. This will be present only for "site specific" FRNs.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: The discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FUNDING COMMITMENT REPORT

Form 471 Application Number: 419823
Funding Request Number: 1158773 Funding Status: Not Funded
Services Ordered: Internal Connections
SPIN: 143027396 Service Provider Name: Emerald Technologies, LLC
Contract Number: EL-0008-C-02
Billing Account Number: N/A
Service Start Date: 07/01/2004
Contract Expiration Date: 09/01/2005
Site Identifier: 15149138
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$301,965.50
Pre-discount Amount: \$301,965.50
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Srvc/Disnt will NOT be funded
Funding Commitment Decision Explanation: Given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded. Please see www.sl.universal-service.org for further details.

SCHOOLS AND LIBRARIES DIVISION

RFCDL Re-Mail Advisory Cover Sheet

To: Seth Levine
Public School #30 New Construction
21 Penn Plaza
New York, NY 10001

Date: June 1, 2005

Important Notice

Enclosed you will find your Funding Commitment Decision Letter (FCDL). The letter was deemed 'un-deliverable' by the U.S. Post Office and returned to SLD's Client Operations Department. It is important to note that the date of the original FCDL has been modified by SLD's Client Operations Department to accommodate the delivery delay. A new 'FCDL Date' and the signature of the Client Operations Representative have been added to the original letter.

This advisory is especially important if you are considering filing an appeal. Appeals of funding commitments must be filed within 60 days of the date on the Funding Commitment Decision Letter. In this case, the new FCDL date. In the event that you do submit an appeal it would be advisable to enclose a copy of your FCDL and this FCDL Re-Mail Advisory Cover Sheet with your appeal correspondence. See the "Appeals Procedure" in the Reference Area of the SLD web site <www.sl.universalservice.org> for more information on appeal deadlines and how to file your appeal.

Further, be advised that all terms and conditions imposed by the Schools and Libraries Program on applicants or service providers that are dependent on the FCDL date (in this situation, the new FCDL date) will apply.

Schools and Libraries Division

Re: Form 471 Application #419823
Letter Type:

SPIN:

Funding Commitment Decision Letter (FCDL) - Applicant _____X_____

Funding Commitment Decision Letter (FCDL) - Service Provider _____

School and District E-Rate Discount Calculations

Collected as of 10/15/03

SOURCE: NJ Department of Education

Annual Fall Survey Data Collected for the 2003-04 School Year. (NSLP Data)

	-1 Name of Eligible School	-2 Entity Number	-3 Urban or Rural U or R	-4 Total # of Students	-5 # of Students Eligible for NSLP	-6 % of Students Eligible for NSLP (Col. 5/Col. 4)	-7 Discount % From Discount Matrix	-8 Weighted Product for Calculating Shared Discount (Col. 4 X Col. 7)
District								
ELIZABETH	ELIZABETH HIGH	7256	U	5,277	3,301	62.56%	80%	4,221.20
ELIZABETH	NO 76 REILLY MIDDLE SCH	7245	U	229	118	51.53%	80%	183.2
ELIZABETH	NO 75 BATTIN MIDDLE SCH	7253	U	544	427	78.49%	90%	489.6
ELIZABETH	NO 77 MCAULIFFE MIDDLE SC	7254	U	541	397	73.38%	80%	432.8
ELIZABETH	NO 70 CLEVELAND MIDDLE SC	7286	U	526	432	82.13%	90%	473.4
ELIZABETH	NO 72 HAMILTON MIDDLE SCH	7304	U	918	721	78.54%	90%	826.2
ELIZABETH	NUMBER 1 G WASHINGTON	7293	U	1,262	1,025	81.22%	90%	1,135.80
ELIZABETH	NUMBER 2 WINFIELD SCOTT	7240	U	560	413	73.75%	80%	448
ELIZABETH	NUMBER 3 PETERSTOWN	7261	U	728	599	82.28%	90%	655.2
ELIZABETH	NUMBER 6 LAFAYETTE	7234	U	1,174	1,007	85.78%	90%	1,056.60
ELIZABETH	NUMBER 12 ELMORA	7299	U	670	440	65.67%	80%	536
ELIZABETH	NUMBER 13 B FRANKLIN	7294	U	438	366	83.56%	90%	394.2
ELIZABETH	NUMBER 14 A LINCOLN	7243	U	979	718	73.34%	80%	783.2
ELIZABETH	NUMBER 15 C COLUMBUS	7262	U	583	443	75.99%	90%	524.7
ELIZABETH	NUMBER 16 MADISON MONROE	7236	U	489	364	74.44%	90%	440.1
ELIZABETH	NUMBER 17 T ROOSEVELT	7244	U	988	797	80.67%	90%	889.2
ELIZABETH	NUMBER 18 ROBERT MORRIS	7307	U	470	328	69.79%	80%	376
ELIZABETH	NUMBER 19 WOODROW WILSON	7248	U	688	386	56.10%	80%	550.4
ELIZABETH	NUMBER 20 JOHN MARSHALL	7288	U	267	230	86.14%	90%	240.3

ELIZABETH	NUMBER 21 VICTOR MRAVLAK	7296 U	294	132	44.90%	60%	176.4
ELIZABETH	NO 22 WILLIAM F HALLORAN	7247 U	507	290	57.20%	80%	405.6
ELIZABETH	NUMBER 23 N M BUTLER	7300 U	988	781	79.05%	90%	889.2
ELIZABETH	NUMBER 25 CHARLES HUDSON	7285 U	581	440	75.73%	90%	522.9
ELIZABETH	NUMBER 26 WESTMINSTER AVE	201488 U	500	363	72.60%	80%	400
ELIZABETH	NO 71 MABEL HOLMES MIDDLE	7287 U	529	449	84.88%	90%	476.1
ELIZABETH	ELMORA PRE-K CENTER	7299 U	294	196	66.67%	80%	235.2
ELIZABETH		122796 U	21,024		%	%	17,761.50

Weighted Average Discount % for Shared Services: 84%

(Col. 8 total divided by Col. 4 total. Round to the nearest %)



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

September 21, 2005

Seth Levine
Joseph R. Loring and Associates, Inc.
21 Pennsylvania Plaza, 14th Floor
New York, NY 10001

Re: Applicant Name: PUBLIC SCHOOL # 30 NEW
CONSTRUCTION
Billed Entity Number: 15149138
Form 471 Application Number: 419823
Funding Request Number(s): 1158773
Decision Letter Date: May 10, 2005
Date Appeal Postmarked: July 19, 2005
Your Correspondence Dated: July 19, 2005

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Schools and Library Division (SLD) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

Seth Levine
Joseph R. Loring and Associates, Inc.
21 Pennsylvania Plaza, 14th Floor
New York, NY 10001

Billed Entity Number: 15149138
Form 471 Application Number: 419823
Form 486 Application Number: